

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICK SAGET, SABINA BADIO FLORIAL,
NAÏSCHA VILME, GERALD MICHAUD,
BEATRICE BELIARD, RACHELLE
GUIRAND, JEAN CLAUDE MOMPOINT,
YOLNICK JEUNE, GUERLINE FRANCOIS,
LEOMA PIERRE, HAÏTI LIBERTÉ, and
FAMILY ACTION NETWORK MOVEMENT,
INC.,

Plaintiffs,

v.

DONALD TRUMP, President of the United
States of America, UNITED STATES OF
AMERICA, DEPARTMENT OF HOMELAND
SECURITY, KIRSTJEN NIELSEN, Secretary of
Homeland Security, and ELAINE C. DUKE,
Deputy Secretary of Homeland Security,

Defendants.

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**NOTICE OF MOTION TO
DISMISS PURSUANT TO
FED. R. CIV. P. 12(b)(1), 12(b)(6),
OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56**

Docket No. CV-18-1599

(Kuntz, J.)
(Tiscione, M.J.)

PLEASE TAKE NOTICE that, upon the Memorandum of Law, dated August 10, 2018, and the certified Administrative Record (ECF Dkt. No. 36-1), defendants President Donald Trump, Department of Homeland Security, Secretary Kirstjen Nielsen, and Acting Deputy Secretary Claire M. Grady (collectively, “the Government”) will move this Court before the Honorable William F. Kuntz, II, United States District Judge, at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1), Fed. R. Civ. P. 12(b)(6), or, alternatively, for summary judgment pursuant to Fed. R. Civ. P. 56.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule endorsed by the Court on June 27, 2018, Plaintiffs’ opposition papers shall be served by August 31, 2018; and

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule endorsed by the Court on June 27, 2018, the Government's reply papers shall be served by September 21, 2018.

Pursuant to the schedule endorsed by the Court on June 27, 2018, once the motion is fully briefed, each party shall electronically file their individual motion papers by 5:00 p.m. on September 21, 2018. The Government will provide a complete set of courtesy copies of all motion papers to the Court, attention of Mr. Andrew Jackson.

Dated: Brooklyn, New York
August 10, 2018

RICHARD P. DONOGHUE
United States Attorney

By: /s/ Joseph A. Marutollo
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cc: **BY E.C.F.**
Counsel of Record